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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

RANDALL MENGES,

Plaintiff,

v.

TIM FOX, Attorney General of the
State of Montana; GARY SEDER,
Bureau Chief of the Montana
Crime Information Bureau; and
SARA MALIKIE, Head of the Sexual
and Violent Offenders Program
for the Missoula County Sheriff's
Office, each in their official
capacities,

Defendants.

Case No. 9:20-cv-178-DLC-KLD

**DECLARATION OF
MATTHEW STRUGAR IN
SUPPORT OF PLAINTIFF'S
MOTION FOR A
PRELIMINARY
INJUNCTION**

I, Matthew Strugar, declare as follows:

1. The facts contained in this declaration are personally known to me and, if called as a witness, I could and would testify completely thereto under oath.

2. I represent the Plaintiff Randall Menges.

3. On October 22, 2020, I wrote a demand letter to now-Defendant Gary Seder, explaining that Mr. Menges was made to register on the Montana sex offender registry under an unconstitutional registration scheme and for a conviction under an unconstitutional statute. I explained that I wished to resolve Mr. Menges's registration requirement short of litigation, but I was prepared to litigate if necessary.

4. Madison Mattioli, Assistant Attorney General, Special Assistant United States Attorney, Sexual and Violent Offender Registry Specialist, Prosecution Services Bureau, Montana Department of Justice responded to my letter. We exchanged emails and had telephonic conversations over the course of a few weeks. I provided her with the police reports that are submitted as Exhibit B to Plaintiff's Request for Judicial Notice, filed concurrently with this declaration. While sympathetic, Ms. Mattioli informed me Mr. Menges would need to get a court order to be removed from the registry.

5. Ms. Mattioli also informed me that Missoula County considered Mr. Menges noncompliant with his registration requirements in Montana but had not yet been marked noncompliant on the registry. I informed Ms. Mattioli that Mr. Menges left the state months earlier. She told me that she asked Missoula County to not mark him noncompliant while we tried to resolve the issues related to the constitutionality of his registration. She told me to contact now-Defendant Sarah Malikie with the Missoula County Sheriff's Office with Mr. Menges on the line to work out the issues with Mr. Menges's Montana registration.

6. Despite at least four calls and multiple voicemails to Ms. Malikie, she never returned any of my calls.

7. I learned that Missoula County marked Mr. Menges noncompliant when he called me and told me he was kicked out of a homeless shelter in the middle of a freezing night because the shelter told him the Montana registry showed he was noncompliant with his registration requirements. I pulled his registration information and confirmed Montana had marked him noncompliant on the registry.

8. I turned to Ms. Mattioli for assistance, who graciously communicated with Missoula County and provided me with a form for Mr. Menges to complete to verify he no longer resided in Montana. I understand Mr. Menges returned that form to Missoula County weeks

ago, but as of today, Mr. Menges is still on the Montana registry and is still marked noncompliant.

In accordance with 28 U.S.C. § 1746 and under penalty of perjury, I swear that the foregoing is true and correct.

Executed on December 29, 2020 in Los Angeles, CA

/s/ Matthew Strugar
Matthew Strugar